UNITED STATES PATENT AND TRADEMARK OFFICE

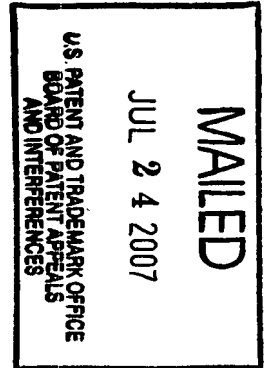## BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MOSHE ZILBERSTEIN, GABY MATSLIACH,
AVNER RONEN, RONEN VENTRUEA, BENNY ROUSSO,
AND SHAI BUBER

Application 09/422,387

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent

Appeals and Interferences on June 25, 2007. A review of the application has

revealed that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being electronically returned to the

Examiner. The matter requiring attention prior to docketing is identified

below.

On November 16, 2006, an Order Returning Undocketed Appeal to

Examiner was mailed which requested:

INFORMATION DISCLOSURE STATEMENT

An Information Disclosure Statement (IDS) was filed on December 5, 2003. It is not apparent from the record whether the Examiner considered the statement submitted or notified Appellants regarding why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying Appellants of the Primary Examiner's decision is required.

APPEAL BRIEF

In addition, the file reveals that it is not clear from the record whether the Examiner considered the Appeal Brief filed December 22, 2006. A written communication notifying Appellants of the response to the Appeal Brief is required.
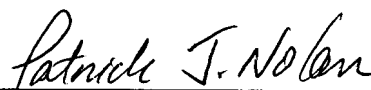
CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

1) consider the IDS filed December 5, 2003, with appropriate notification to Appellants regarding the Primary Examiner's decision;

2) consider the Appeal Brief filed December 22, 2006, with appropriate written notification by the Examiner to Appellants of such consideration;

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

Patrick J. Nolan

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PJN/kis

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